

## BEFORE THE BOARD OF BARBER EXAMINERS

## STATE OF IDAHO

In the Matter of the License of:	)	
	)	Case No. BAR-2008-2
BOISE BARBER COLLEGE,	)	
License No. BC-225016,	)	<b>STIPULATION AND</b>
	)	<b>CONSENT ORDER</b>
Respondent.	)	
_____	)	

WHEREAS, information having been received by the Idaho State Board of Barber Examiners (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against Boise Barber College (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

## A.

A.1. The Board may regulate the operation of barber colleges in the State of Idaho in accordance with title 54, chapter 5, Idaho Code.

A.2. Respondent is a licensee of the Idaho State Board of Barber Examiners and holds License No. BC-225016 to operate a barber college in the State of Idaho. Respondent's license is subject to the provisions of title 54, chapter 5, Idaho Code.

A.3. Pursuant to Board Rule (IDAPA 24.02.01) 502.04 (2007), barber colleges were required to register all students with the Board within five (5) days of beginning instruction.

A.4. On or about July 13, 2007, student K.L. began instruction at Boise Barber College. K.L. graduated from Boise Barber College on February 8, 2008. Boise Barber College never registered K.L. as a student with the Board.

A.5. At a meeting on February 21, 2008, the Board voted to accept the hours for barber stylist training for student K.L.

A.6. The allegations of Paragraphs A.4 and A.5, if proven, would violate the laws and rules governing the operation of barber colleges, specifically Idaho Code § 54-516(8) (violation of the Board's rules) and Board Rule 502.04 (2007). Violations of these laws and rules constitute grounds for disciplinary action against Respondent's license to operate a barber college in the State of Idaho.

### **B. Waiver of Procedural Rights**

I, Bradley Perkins, owner of Respondent Boise Barber College, by affixing my signature hereto, acknowledge that:

B.1. I have read, understand and admit the allegations pending before the Board, as stated in Section A, Paragraphs A.4 and A.5. I further understand that these allegations constitute cause for disciplinary action upon Respondent's license to operate a barber college in the State of Idaho.

B.2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to testify myself; the right to reconsideration of the Board's orders; the right to judicial review of the Board's orders; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the operating of a barber college in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this Stipulation as a resolution of the pending allegations.

B.3. I understand that in signing this Stipulation I am enabling the Board to impose disciplinary action upon Respondent's license without further process.

### **C. Stipulated Discipline**

C.1. Respondent is hereby formally reprimanded by the Board.

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C.2. Respondent shall pay investigative costs and attorney fees in the amount of Three Hundred Fifty and No/100 Dollars (\$350.00) within sixty (60) days of the entry of the Board's Order.

C.3. Respondent's License No. BR-225016 shall be placed on probation for a period of one (1) year from the date of entry of the Board's Order. The conditions of probation are as follows:

a. Respondent shall comply with all state, federal and local laws, rules and regulations governing the operation of barber colleges in the State of Idaho.

b. Respondent shall inform the Board in writing of any change of place of practice or place of business within 15 days of such change.

c. Respondent shall fully cooperate with the Board and its agents, and submit any documents or other information within a reasonable time after a request is made for such documents or information.

d. Respondent shall make all files, records, correspondence or other documents available immediately upon the demand of any member of the Board's staff or its agents.

C.4. At the conclusion of the one-year probationary period and provided Respondent has complied with all other terms of this Stipulation, Respondent may request from the Board termination of the conditions of probation. Any request for termination of probation must be accompanied by written proof of compliance with the terms of this Stipulation.

C.5. All costs associated with compliance with the terms of this Stipulation are the sole responsibility of Respondent.

C.6. The violation of any of the terms of this Stipulation by Respondent may warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

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## **D. Presentation of Stipulation to Board**

D.1. The Board's prosecutor shall present this Stipulation to the Board with a recommendation for approval.

D.2. The Board may accept, modify with Respondent's approval, or reject this Stipulation. If the Board rejects the Stipulation, an administrative Complaint may be filed with the Board. Respondent waives any right Respondent may have to challenge the Board's impartiality to hear the allegations in the administrative Complaint based on the fact that the Board has considered and rejected this Stipulation. Respondent does not waive any other rights regarding challenges to Board members.

D.3. If the Board rejects this Stipulation then, except for Respondent's waiver set forth in Paragraph D.2., this Stipulation shall be regarded as null and void, and admissions in this Stipulation and negotiations preceding the signing of this Stipulation will not be admissible at any subsequent disciplinary hearing.

D.4. Except for Paragraph D.2. which becomes effective when Respondent signs this Stipulation, this Stipulation shall not become effective until it has been approved by a majority of the Board and a Board member signs the attached Order.

## **E. Violation of Stipulation and Consent Order**

E.1. If Respondent violates this Stipulation and Consent Order, the violation shall be considered grounds for additional discipline and the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board to assess whether Respondent has violated this Stipulation and Consent Order. The Chief shall also serve notice of the hearing and charges to Respondent and to Respondent's attorney, if any. Within twenty-one (21) days after the notice of the hearing and charges is served, Respondent may submit a response to the allegations. If Respondent does not submit a timely response to the Board, the alleged violations will be deemed admitted.

b. At the hearing, the Board and Respondent may submit evidence and present oral argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to evidence relevant to whether Respondent has violated this Stipulation and Consent Order. At the hearing the facts and substantive matters related to the violations described in Section A shall not be at issue.

c. At the hearing, the Board may impose additional discipline, which may include the suspension or revocation of Respondent's license, the imposition of fines, the recovery of costs and attorney fees incurred by the Board and/or other conditions or limitations upon Respondent's practice.

E.2. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

E.3. This Stipulation contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above Stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I am waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this Stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this Stipulation according to the aforementioned terms, and I hereby agree to the above Stipulation for settlement. I understand that if the Board approves this Stipulation subject to changes, and the changes are acceptable to me, the Stipulation will take effect and an order modifying the terms of the Stipulation will be issued. If the changes are unacceptable to me or the Board rejects this Stipulation, it will be of no effect.

DATED this 20<sup>th</sup> day of JANUARY, 2009.

I offered to accept Responsibility  
for this to avoid consequences  
to my student. I do accept this  
Responsibility

BOISE BARBER COLLEGE

By Bradley Perkins  
Bradley Perkins, Owner  
Respondent

I recommend that the Board enter an Order based upon this Stipulation.

DATED this 21 day of January, 2009.

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

By Karin Magnelli  
Karin Magnelli  
Deputy Attorney General

### ORDER

Pursuant to Idaho Code § 54-521, the foregoing is adopted as the decision of the Board of Barber Examiners in this matter and shall be effective on the 9 day of March, 2009. **IT IS SO ORDERED.**

IDAHO STATE BOARD  
OF BARBER EXAMINERS

By Kevin Moriarty  
Kevin Moriarty, Chair

## CERTIFICATE OF SERVICE

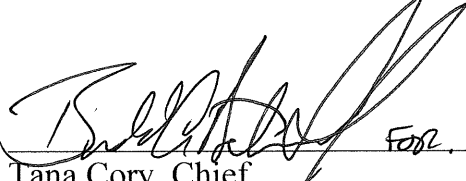
I HEREBY CERTIFY that on this 9<sup>th</sup> day of MARCH, 2009, I caused to be served a true and correct copy of the foregoing by the following method to:

Bradley Perkins  
Boise Barber College  
3027 North Cole Road  
Boise, ID 83704

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

Karin Magnelli  
Deputy Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☒ Statehouse Mail

  
Tana Cory, Chief  
Bureau of Occupational Licenses